

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least 30 days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than 30 days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the 90-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than 30 days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods and Air Pollution
Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.040 Reference Methods. The commission proposes to amend sections (5), (6) and (7). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan.

PURPOSE: *This proposed rulemaking will ensure Missouri's continued compliance with the Hydrogen Sulfide (H₂S), Sulfuric Acid*

Mist and Sulfur standards and Ambient Air Quality Standards by updating the reference method for H₂S, by adopting the approved Environmental Protection Agency standard reference method for sulfuric acid mist, and by updating the reference method for sulfur. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is written correspondence from the U.S. Environmental Protection Agency identifying discrepancies and requesting the methods update.

(5) The concentration of hydrogen sulfide (H₂S) in the ambient air shall be determined by *[the coulometric titration of H₂S with bromine as specified by the Phillips Scientific and Analytical Equipment Manufacturer's Provisional Manual H₂S Conversion Set PW9701/00]* scrubbing all sulfur dioxide (SO₂) present in the sample and then converting each molecule of H₂S to SO₂ with a thermal converter so that the resulting SO₂ is detected by an analyzer as specified in 40 CFR part 50, Appendix A—Reference Method for the Determination of Sulfur Dioxide in the Atmosphere or an equivalent method approved by 40 CFR part 53, in which case the calibration gas used must be National Institute of Standards and Technology traceable H₂S gas.

(6) The concentration of sulfuric acid mist *[and sulfur trioxide]* in the ambient air shall be determined *[by sampling for the concentration of total sulfur in the ambient air and subtracting the concentrations of sulfur dioxide and hydrogen sulfide]* as specified in the *Compendium Method 10-4.2, Determination of Reactive Acidic and Basic Gases and Strong Acidity of Fine-Particles (<2.5 μm)*, Center for Environmental Research Information, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, OH 45268, EPA/625/R-96/010a.

(7) The percent sulfur in liquid hydrocarbons shall be determined as specified by ASTM D[(129-64)] (2622-98), *[Standard Method of Test for Sulfur in Petroleum Products and Lubricants by the Bomb Method]* Sulfur in Petroleum Products by X-Ray Fluorescence Spectrometry.

AUTHORITY: section 643.050, RSMo Supp. [1992] 1999. Original rule filed Aug. 16, 1977, effective Feb. 11, 1978. Amended: Filed Sept. 14, 1978, effective April 12, 1979. Amended: Filed Dec. 10, 1979, effective April 11, 1980. Amended: Filed March 13, 1980, effective Sept. 12, 1980. Amended: Filed Feb. 14, 1984, effective July 12, 1984. Amended: Filed Jan. 5, 1988, effective April 28, 1988. Amended: Filed Oct. 13, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., February 6, 2001. The public hearing will be held at the Governor Office Building, Ballroom #450, 200 Madison Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., February 13, 2001. Written comments shall be sent to

Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods and Air Pollution
Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.200 Hospital, Medical, Infectious Waste Incinerators. The commission proposes to amend subsections (2)(E) and (2)(T). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Plan that fulfills 111(d) and 129 Plan requirements.

PURPOSE: This amendment adds explanatory language in the definitions of co-fired combustor and medical/infectious waste necessary for correct interpretation. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the correspondence via E-mails between the Kansas City Health Department and the U.S. Environmental Protection Agency showing the deficiency in the current definitions.

(2) Definitions.

(E) Co-fired combustor means a unit combusting hospital waste and/or medical/infectious waste with other fuels or wastes and subject to an enforceable requirement limiting the unit to combusting a fuel feed stream, ten percent (10%) or less of the weight of which is comprised, in aggregate, of hospital waste and medical/infectious waste as measured on a calendar-quarter basis. **For purposes of this definition, pathological waste, chemotherapeutic waste, and low-level radioactive waste are considered "other wastes" when calculating the percentage of hospital waste and medical/infectious waste combusted.**

(T) Medical/infectious waste means any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that is listed in paragraphs (2)(T)1. through (2)(T)7. below/—/. **The definition of medical/infectious waste does not include hazardous waste identified or listed under the regulations in 40 CFR part 261; household waste, as defined in 40 CFR part 261.4(b)(1); ash from incineration of medical/infectious waste, once the incineration process has been completed; human corpses, remains, and anatomical parts that are intended for interment or cremation; and domestic sewage materials identified in 40 CFR part 261.4(a)(1).**

1. Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures/;/.

2. Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers/;/.

3. Human blood and blood products including:

A. Liquid waste human blood;

B. Products of blood;

C. Items saturated and/or dripping with human blood; and

D. Items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing

and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category/;/.

4. Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips/;/.

5. Animal waste including contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals/;/.

6. Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases/; or/.

7. Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

AUTHORITY: section 643.050, RSMo [Supp. 1997] Supp. 1999. Original rule filed Dec. 1, 1998, effective July 30, 1999. Amended: Filed Oct. 13, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., February 6, 2001. The public hearing will be held at the Governor Office Building, Ballroom #450, 200 Madison Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., February 13, 2001. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses

PROPOSED AMENDMENT

11 CSR 45-4.380 Occupational License Application and Annual Fees. The commission proposes to amend sections (5) and (6).

PURPOSE: This amendment changes the expiration date of an occupational license from the licensee's date of birth to annually on the last day of the month of issue.

(5) The initial annual fee for occupational licenses shall be paid in [a prorated amount to cover the time from the due date of the initial fee until the date of birth of the applicant or licensee.] full to cover the first year of licensure. The license expires annually on the last day of the month of issue.

[Thereafter, t/The annual fee shall be paid in full and shall be due upon application for renewal of the license.

(6) Each occupational license shall expire *[upon the date of birth of the licensee] annually on the last day of the month of issue*, but the licensing hearing shall be subject to being reopened at any time.

AUTHORITY: sections 313.004, 313.800[–313.850], 313.805 and 313.822, RSMo 1994 [and Supp. 1996]. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed June 2, 1995, effective Dec. 30, 1995. Amended: Filed March 18, 1996, effective Oct. 30, 1996. Amended: Filed Oct. 1, 1996, effective April 30, 1997. Amended: Filed Jan. 21, 1997, effective Aug. 30, 1997. Emergency amendment filed Oct. 4, 2000, effective Oct. 14, 2000, expires April 11, 2001. Amended: Filed Oct. 4, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Legal, P.O. Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for January 9, 2001, at 10:00 a.m. at the Commission's office located at 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY

Division 45—Missouri Gaming Commission

Chapter 4—Licenses

PROPOSED AMENDMENT

11 CSR 45-4.390 Occupational License Renewal. The commission proposes to amend section (1).

PURPOSE: This amendment changes the deadline for submission of renewal forms by occupational licensees.

(1) On or prior to *[thirty (30)] fifteen (15)* days before the month of expiration, each occupational licensee shall file for renewal on forms provided by the commission (see 11 CSR 45-4.190, Appendix A) or authorize a Class A licensee to submit an application for renewal on his/her behalf in accordance with 11 CSR 45-10.110. Alternatively, each occupational licensee may file for renewal as provided in 11 CSR 45-10.110(2).

AUTHORITY: sections 313.004, 313.800[–313.850], 313.805 and 313.822, RSMo 1994 [and Supp. 1997]. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed June 25, 1996, effective Feb. 28, 1997. Amended: Filed July 2, 1997, effective Feb. 28, 1998. Amended: Filed Dec. 12, 1997, effective July 30, 1998. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Emergency amendment filed Oct. 4, 2000, effective Oct. 14, 2000, expires April 11, 2001. Amended: Filed Oct. 4, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Legal, P.O. Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for January 9, 2001, at 10:00 a.m. at the Commission's office located at 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY

Division 45—Missouri Gaming Commission

Chapter 10—Licensee's Responsibilities

PROPOSED AMENDMENT

11 CSR 45-10.110 Licensee's Duty to Report Occupational Personnel. The commission proposes to amend section (1), (2), and (3), and insert a new section (2).

PURPOSE: This amendment changes the procedure for the commission to receive notice of an occupational license applicant or licensee's intent to go forward with the licensing or renewal process.

(1) Each holder of a Class A license or supplier's license shall file a report with the commission on or prior to the fifteenth day of each calendar month identifying all of the personnel associated with that licensee who, as of the first day of the reporting month, hold positions requiring an occupational license or a temporary *[identification badge] occupational license* issued by the commission and whose expiration date(s) for such license *[or badge]* occurs within the following calendar month.

(A) The report must be submitted in written form and on diskette in a format prescribed by the commission supplying the following information for each individual:

1. Person's legal name;
2. License expiration month;
- [2.]* 3. Date of birth;
- [3.]* 4. Social Security number; and
- [4.]* 5. *[Badge]* License number.

(B) Occupational licensees are required to obtain their renewed license by the tenth day of the renewal month.

(2) Occupational licensees who transfer from one Class A licensee to another Class A licensee between the fifteenth day of the month and the last day of the month prior to expiration, and those who transfer during the expiration month, whose occupational licenses have not been renewed, will be billed to the Class A licensee receiving the occupational licensee.

[[2]] (3) In accordance with 11 CSR 45-4.390, all occupational licensees and temporary *[identification badge holders] occupational licensees* must notify the commission within *[thirty (30)] fifteen (15)* days prior to the expiration *[date]* month of their license *[or badge]* if they are applying for renewal of their license *[or badge]*. In the absence of specific notice to the commission from the occupational licensee or temporary *[badge holder] occupational licensee*, inclusion of the name of a licensee *[or badge holder]* on the report due under 11 CSR 45-10.110(1) shall be deemed notice that the licensee *[or badge holder]* is applying

for renewal in the following month, and such notice shall be deemed sufficient.

[(3)] (4) The reporting duties in 11 CSR 45-10.110 shall be in addition to any other reporting requirements.

AUTHORITY: sections 313.004, 313.800, 313.805 and 313.822, RSMo 1994. Emergency rule filed June 25, 1996, effective July 5, 1996, expired Dec. 31, 1996. Original rule filed June 25, 1996, effective Feb. 28, 1997. Amended: Filed July 2, 1997, effective Feb. 28, 1998. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Emergency amendment filed Oct. 4, 2000, effective Oct. 14, 2000, expires April 11, 2001. Amended: Filed Oct. 4, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Legal, P.O. Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for January 9, 2001, at 10:00 a.m. at the Commission's office located at 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 17—Voluntary Exclusions**

PROPOSED RULE

11 CSR 45-17.015 Access to Excursion Gambling Boat for Purposes of Employment

PURPOSE: This rule allows Disassociated Persons to enter an excursion gambling boat for the purposes of carrying out the duties of their employment.

(1) The provisions of 11 CSR 45-17 et seq. to the contrary notwithstanding, anyone on the List of Disassociated Persons may access an excursion gambling boat for the purpose of carrying out the duties of their employment or to apply for employment. Prior to entering the excursion gambling boat, the Disassociated Person shall notify the commission that they are on the List of Disassociated Persons and the reason their employment or application for employment requires their presence on the excursion gambling boat.

(2) If the Disassociated Person's employment requires their presence on the excursion gambling boat on a regular basis, the Disassociated Person shall so notify the commission and such notice shall fulfill the notice requirements of section (1) of this rule.

AUTHORITY: sections 313.004 and 313.805, RSMo 1994 and 313.813, RSMo 2000. Original rule filed Oct. 4, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, P.O. Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for January 9, 2001, at 10:00 a.m. at the Missouri Gaming Commission, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

PROPOSED AMENDMENT

11 CSR 45-30.600 Electronic Bingo Card Monitoring Devices. The commission is amending sections (1), (4)–(6), (10)–(12), (14), (17), (21), (23) and (25), and adding sections (26) and (27).

PURPOSE: This amendment clarifies the requirements for licensees to utilize EBCMD without disposable paper cards.

(1) "Electronic Bingo Card Monitoring Device" (*/sometimes referred to as/* "EBCMD") means an electronic device, approved by the commission, that is used by a bingo player to monitor bingo cards purchased at the time and place of a licensed organization's bingo occasion, and which—

(A) Provides a means for bingo players to input numbers announced by a bingo caller; and

(B) Compares the numbers entered by the player to the numbers contained on cards previously stored in the electronic memory of the device; and

(C) Identifies the winning pattern.

EBCMD shall not mean or include any device into which coin, currency, or tokens are inserted to activate play.

(4) EBCMDs must be acquired by licensed suppliers from a licensed manufacturer and may only be rented[,/] or leased [*or otherwise provided*] by licensed suppliers to licensed bingo operators.

(5) A licensed manufacturer seeking approval of an EBCMD site system software, or other bingo equipment uniquely adapted for use with an EBCMD, [*may*] will be required to submit a prototype of the device to a **designated independent test laboratory as determined by the commission for approval prior to sale or installation in an approved bingo facility.**

(6) No EBCMD shall be able to monitor more than fifty-four (54) bingo cards per game.

(A) [*Bingo card monitoring can only be used in conjunction with disposable bingo cards and must be entered into the EBCMD in a manner approved by the commission.*] **An EBCMD shall be downloaded with electronic bingo cards only by an approved bingo worker or authorized representative of the licensed supplier if accompanied by an approved member of the licensed organization. In the event the EBCMD is the type used to monitor disposable paper bingo cards, an approved bingo worker or authorized representative of the licensed supplier accompanied by an approved member of the licensed organization must enter the bingo card face number(s) into the device. The entering of bingo card face number(s) into a device shall be done only on the premises of the licensed organization and during the bingo occasion.**

(B) [*If the EBCMD is not used in conjunction with a site system but rather requires a licensed organization to enter bingo card face numbers from disposable paper bingo cards, the device must not be able to have more than fifty-four (54) bingo card face numbers entered into its data*]

base at any one time.] All downloading into the EBCMD, either from electronic bingo cards or disposable paper bingo cards, must be completed prior to the drawing of the first ball for that bingo occasion. If an EBCMD must be voided and reissued after the start of the game, the EBCMD must be reloaded with the same bingo face numbers or replaced with an EBCMD which was downloaded prior to the drawing of the first ball as described in 11 CSR 45-30.190.

(C) Organizations using EBCMD which require a site system to download electronic bingo cards to EBCMD must ensure that any disposable paper bingo cards used at the bingo occasion are of a different series than the electronic bingo cards, in order to avoid duplication of faces in play.

(D) Organizations using EBCMDs which are used in conjunction with disposable paper bingo cards must ensure that the disposable cards used with the EBCMD are of a unique color, either by screen face or by border, and not sold by the organization for use other than with an EBCMD.

(10) A site system shall not be able to load more than fifty-four (54) electronic bingo cards per bingo game into any one *[bingo card monitoring device] EBCMD. [, and t]* The site system must be interfaced with a printer which produces a continuous hard copy transaction log, including all sale, void and reload transactions and a printout showing the device identification number, and all of the bingo cards and their face numbers loaded into the device. A receipting function for electronic bingo cards must be self-contained within the site system and must record and print out on a copy which is given to the player, the device identification number or ticket number identifying the device, the date, number of electronic bingo cards purchased or loaded, and the total amount charged for the electronic bingo cards.

(11) A site system shall be able to provide the winning game patterns required for the entire bingo occasion on a hard copy printout. The printout must be available upon demand at the bingo occasion, if requested by commission personnel. **The site system shall print out all winning electronic bingo cards each occasion.**

(12) If the commission detects or discovers any malfunction or problem with an EBCMD or site system that could affect the security or integrity of the bingo game, *[the bingo card monitoring devices, or the site system,]* the commission may direct the supplier or licensed organization to cease providing or using the *[bingo card monitoring devices] EBCMD* or site system, as applicable. The commission may require the supplier to correct the problem or recall the devices or system immediately upon notification by the commission to the supplier. *[Failure to take the corrective action requested may result in confiscation or seizure of the devices and/or site system.]*

(B) Failure to discontinue use of the EBCMD or site system in such instances will result in disciplinary action by the commission.

(14) The licensed supplier shall invoice the licensed organization and collect any and all payments for the *[sale,] rental[,] or lease[, or other use of electronic bingo cards,]* of the EBCMD used by the licensed organization, and the sale, rental or lease of the site systems *[by]* to the licensed organization. **The supplier shall also invoice the licensed organization and collect any and all payments for the sale of electronic bingo cards, including the applicable taxes as described in accordance with section 313.055, RSMo.**

(17) EBCMDs shall be rented[, or leased[, or otherwise provided] to bingo players only by the licensed organization conducting the bingo occasion, and only at the time and place of the bingo occasion. A bingo player using *[a bingo card monitoring device] an EBCMD* must be physically present on the premises,

during the time of the bingo occasion, in order to be eligible to play bingo or win any bingo prize.

(21) *[At the licensed organization's discretion, a]* A bingo player may, in addition to the maximum fifty-four (54) bingo cards per game which he or she purchases to monitor with an EBCMD, purchase additional **disposable paper** bingo cards to play.

(23) All bingo cards used in conjunction with EBCMDs must conform to the restrictions in sections 313.005(2) and 313.040(17), RSMo. Organizations utilizing EBCMDs must ensure that all bingo cards **including electronic facsimiles** used in conjunction with EBCMDs are disposable and are adequately marked to prevent reuse. Bingo cards of a series dedicated to or uniquely compatible with EBCMDs are permitted, *[provided that the design of any such bingo card does not necessitate the use of an EBCMDs for play].*

(25) Game operators must require that all **disposable** bingo paper used in conjunction with the game is turned in by each player to the game operator and destroyed. Game operators who fail to comply with this requirement are subject to discipline pursuant to section 313.052, RSMo.

(26) The site system must provide accounting and revenue reports on a daily basis. Additionally, the system must be capable of providing weekly and monthly summaries of the daily reports. These reports must include, at a minimum, the following:

(A) Gross sales of all bingo cards sold and loaded into an EBCMD, gross sales voided and/or canceled and net sales of all bingo cards sold;

(B) Gross number of all bingo cards sold and loaded into an EBCMD, total number of bingo cards voided and/or canceled and net number of bingo cards sold;

(C) Adequate documentation must be maintained to explain any voids or cancellations.

(27) The supplier is responsible for the collection and payment of all the taxes for electronic bingo cards sold and loaded into an EBCMD in accordance with section 313.055, RSMo and any rules and regulations promulgated thereunder. The tax computation will be based upon the information provided in the daily reports generated by the EBCMD site system. Copies of the reports must be provided with the suppliers' monthly financial report.

AUTHORITY: section 313.065, RSMo [Supp. 1998] Supp. 1999. Original rule filed Nov. 10, 1998, effective June 30, 1999. Amended: Filed May 6, 1999, effective Dec. 30, 1999. Amended: Filed Oct. 4, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities more than \$500 in the aggregate. See attached fiscal note.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Bingo Division, P.O. Box 1847, Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. Private entities who feel the estimated cost listed above is incorrect, are requested to submit the cost (estimated or actual, if available) with the comments. Public hearing is scheduled on January 9, 2001, at 10:00 a.m., at 3417 Knipp Drive, Jefferson City, Missouri.*

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 11 - DEPARTMENT OF PUBLIC SAFETY

Division: 45 - Missouri Gaming Commission

Chapter: 30 - Bingo

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 11 CSR 45-30.600 – Electronic Bingo Card Monitoring Devices

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
3	Licensed Bingo Operators, Licensed Bingo Manufacturers & Licensed Bingo Suppliers	\$2,850 per system

III. WORKSHEET

This proposed amendment will cost private entities more than \$500.00 in the aggregate. Private entities which market or rent the EBCMD in the state, as well as all manufacturers who distribute the EBCMD will be required to submit the devices for testing to ensure proper card sorting and that the applicable taxes can be correctly reported and paid. The initial testing is estimated to cost approximately \$95 per hour with an estimate of 20 to 40 hours of initial testing required per system. Using an average of 30 hours of testing @ \$95 = \$2,850.00.

Per Nick Farley GLI is not going to charge the Commission for assisting the Commission with writing the rule.

IV. ASSUMPTIONS

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 31—Hearings**

PROPOSED AMENDMENT

11 CSR 45-31.005 Procedures for Disciplinary Actions and Hearings. The commission proposes to amend the purpose and add section (2).

PURPOSE: This amendment clarifies the appeal process for proposed bingo licensee discipline.

PURPOSE: This rule establishes the procedures for proposed disciplinary actions and the hearings contesting such actions. [The commission proposes to reference the rule governing the procedures for disciplinary actions and hearings to make it easier for bingo licensees to find.]

(2) Bingo licensees contesting proposed disciplinary actions have a right to administrative review and appeal as provided in Chapter 621, RSMo.

AUTHORITY: sections 313.052, RSMo 1994 and 313.065, RSMo [Supp. 1997] Supp. 1999. Original rule filed Nov. 10, 1998, effective June 30, 1999. Amended: Filed Oct. 4, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Legal, P.O. Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for January 9, 2001 at 10:00 a.m. at the Commission's office located at 3417 Knipp Drive, Jefferson City, Missouri.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.054 Warehousemen. This rule interpreted the sales tax law as it applied to warehousemen and interpreted and applied section 144.010, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 31 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 10-023 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed Oct. 6, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.058 Automotive Refinishers and Painters. This rule interpreted the sales tax law as it applied to automotive refinishers and painters, and interpreted and applied sections 144.010 and 144.030, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 40 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 10-025 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed Oct. 6, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.062 Maintenance or Service Contracts Without Parts. This rule interpreted the sales tax law as it applied to maintenance contracts without parts and interpreted and applied sections 144.010 and 144.030.2(22), RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 92 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-27 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Rescinded: Filed Oct. 6, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.064 Maintenance or Service Contracts With Parts. This rule interpreted the sales tax law as it applied to maintenance contracts which include parts.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 92 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-28 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed Oct. 6, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.070 Service-Oriented Industries. This rule interpreted the sales tax law as it applied to service-oriented industries and interpreted and applied sections 144.010, 144.021 and 144.030, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 78 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-31 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Amended: Filed Oct. 15, 1985, effective Jan. 26, 1986. Rescinded: Filed Oct. 6, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.072 Repair Industries. This rule interpreted the sales tax law as it applied to repair industries and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 78 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-32 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed Oct. 6, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.074 Garages, Body and Automotive Shops and Service Stations. This rule interpreted the sales tax law as it applied to garages, body and automotive shops and service stations, and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule nos. 39 and 41 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-33 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed Oct. 6, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.078 Laundries and Dry Cleaners. This rule interpreted the sales tax law as it applied to laundries and dry cleaners, and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 76 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-34 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Rescinded: Filed Oct. 6, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.080 Ceramic Shops. This rule interpreted the sales tax law as it applied to ceramic shops and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-35 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Rescinded: Filed Oct. 6, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.082 Furniture Repairers and Upholsterers. This rule interpreted the sales tax law as it applied to furniture repairers and upholsterers, and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 79 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-36 was last filed Dec. 5, 1975, effective Dec. 15, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed Oct. 6, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.084 Fur and Garment Repairers. This rule interpreted the sales tax law as it applied to fur and garment repairers, and interpreted and applied sections 144.010 and 144.021, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 80 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-37 was last filed Dec. 5, 1975, effective Dec. 15, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed Oct. 6, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.090 Watch and Jewelry Repairers. This rule interpreted the sales tax law as it applied to watch and jewelry repairers, and interpreted and applied sections 144.010 and 144.030, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 81 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-38 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed Oct. 6, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.152 Physicians and Dentists. S.T. regulation 010-69 was the predecessor of this rule. This rule interpreted the sales tax law as it applied to doctors and dentists.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 68 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-69 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Dec. 9, 1981, effective April 11, 1982. Amended: Filed Feb. 13, 1985, effective June 13, 1985. Amended: Filed Dec. 22, 1988, effective June 11, 1989. Rescinded: Filed Oct. 6, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.154 Optometrists, Ophthalmologists and Opticians. This rule interpreted the sales tax law as it applied to optometrists, ophthalmologists and opticians.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 68 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-70 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Emergency amendment filed Oct. 1, 1979, effective Oct. 11, 1979, expired Feb. 5, 1980. Amended: Filed Oct. 1, 1979, effective April 11, 1980. Rescinded: Filed Oct. 6, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.156 Dental Laboratories. This rule interpreted the sales tax law as it applied to dental laboratories.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-71 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed Oct. 6, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.162 Pawnbrokers. This rule interpreted the sales tax law as it applied to pawnbrokers and interpreted and applied section 144.010, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 29 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-76 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Rescinded: Filed Oct. 6, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.186 Water Haulers. This rule interpreted the sales tax law as it applied to water haulers and interpreted and applied section 144.010, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 010-87 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed Oct. 6, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.471 Type of Bond. This rule specified the type of bond which may be posted to meet the bonding requirements of the sales tax law.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. Original rule filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed Oct. 6, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.840 Photographers. This rule clarified the applicability of sales tax to photographers.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. Original rule filed April 10, 1987, effective Aug. 13, 1987. Amended: Filed Oct. 22, 1987, effective Feb. 11, 1988. Rescinded: Filed Oct. 6, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 4—State Use Tax

PROPOSED RESCISSION

12 CSR 10-4.634 Delivery, Freight and Transportation Charges—Use Tax. This rule interpreted the use tax law as it applied to delivery, freight and transportation charges and interpreted and applied section 144.605(6), RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.705, RSMo 1994. Original rule filed Oct. 1, 1993, effective April 9, 1994. Rescinded: Filed Oct. 6, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 5—City Sales Tax, Transportation Sales Tax
and Public Mass Transportation Tax**

PROPOSED RESCISSION

12 CSR 10-5.010 Layaways. This rule indicated the delivery date was controlling in determining applicability of city sales tax.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 94.530, RSMo 1986. C.S.T. regulation 510-1A originally filed Dec. 31, 1975, effective Jan. 10, 1976. Rescinded: Filed Oct. 6, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.402 Department of Revenue Instruction Permits. The director proposes to amend sections (1) through (7) and delete the remaining sections accordingly.

PURPOSE: This proposed amendment establishes the renewal period for temporary instruction permits and motorcycle instruction permits.

[(1) An applicant for a Missouri instruction permit shall meet the licensing provisions of Chapter 302, RSMo.

[(2)] (1) An applicant shall not be issued a restricted temporary instruction permit until [one hundred eighty-two (182) days after] his/her fifteenth birthday.

[(3)] (2) Until his/her sixteenth birthday, the holder of a [restricted] temporary permit shall be accompanied at all times while driving a motor vehicle by a grandparent, parent or guardian as defined in the following:

(A) Grandparent shall include a foster grandparent, step-grandparent or adoptive grandparent;

(B) Parent shall include a foster parent, stepparent or adoptive parent; and

(C) Guardian shall be a court-appointed guardian, or, in the event the parent, grandparent or guardian of the person under sixteen (16) years of age has a physical disability which prohibits or disqualifies them from being a qualified licensed operator, the parent, grandparent or guardian may designate a maximum of two (2) individuals authorized to accompany the applicant for the purpose of giving instruction in driving the motor vehicle. The designee must meet the requirements outlined in section 302.130, RSMo. The parent, grandparent or guardian must complete a certified statement prescribed by the director of revenue and must provide the designee's full name and driver's license number. The name and driver's license number of the designee shall be displayed on a label affixed to the temporary permit.

[(4)] (3) The [restricted] temporary instruction permit shall be the same form used for sixteen (16)-year old applicants, except such form shall state that the person until age sixteen (16) shall be accompanied by a grandparent, parent, guardian or designated person as specified in section [(3)] (1) of this rule while driving a motor vehicle.

[(5)] (4) In order for the temporary instruction permit to be used in driving the motorcycle or motortricycle, the M endorsement must be shown on the permit. The [restricted] temporary instruction permit issued pursuant to section 302.130, RSMo, shall not entitle the holder to legally operate a [motorcycle, motortricycle or] motorized bicycle [unless an M is shown in the endorsement box].

[(6) An applicant shall not be issued a temporary motorcycle instruction permit to legally operate a motorcycle or motortricycle until one hundred eighty-two (182) days after his/her fifteenth birthday.

(A) The applicant shall apply for this permit with written consent from the parent or guardian. A parent or guardian is defined in (3)(B) and (C) of this rule.

(B) The written consent shall be verified by the clerk in the field office.]

[(7)] (5) The [restricted] temporary instruction permit issued pursuant to section 302.130, RSMo, shall expire twelve (12) months from the date of application. An individual may renew such permit within one hundred eighty-four (184) days of the expiration date without being required to take the written examination.

(6) The [or] temporary motorcycle instruction permit issued pursuant to section 302.132, RSMo, shall expire six (6) months (one hundred eighty-four (184) days) from the date of application [and is nonrenewable]. An individual may renew such permit within one hundred eighty-four (184) days of the expiration date without being required to take the written examination.

[(8) An applicant, upon expiration of a restricted temporary instruction permit or temporary motorcycle instruction permit, may apply for one (1) six (6)-month temporary instruction permit upon payment of the appropriate fee without being required to retake the written and vision tests. The temporary instruction permit may be renewed one (1) time upon the payment of the appropriate fee.

(9) The temporary instruction permit shall entitle the holder to operate a motorcycle, motortricycle or motorized bicycle legally. When operating a motorcycle or motorized bicycle, the holder shall not carry any passengers and shall operate that vehicle only during daylight hours.

(10) A student permit shall be issued to an applicant enrolled in a high school driver training program taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the state Department of Elementary and Secondary Education.

(A) The applicant shall be at least fifteen (15) years of age.

(B) The applicant shall be accompanied by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the state Department of Elementary and Secondary Education at all times while driving a motor vehicle.]

[[11] The] (7) A student instruction permit issued pursuant to section 302.130.3, RSMo, shall not entitle the holder to legally operate a motorcycle, motortricycle or motorized bicycle.

[[12] The fees for instruction permits shall be as follows:

- (A) Restricted temporary instruction permit—one dollar (\$1)
- (B) Temporary motorcycle instruction permit—one dollar (\$1)
- (C) Temporary instruction permit—one dollar (\$1)
- (D) Student permit—one dollar (\$1)]

AUTHORITY: sections 302.130 and 302.132, RSMo [Supp. 1997] Supp. 1999. Emergency rule filed Sept. 16, 1991, effective Sept. 26, 1991, expired Jan. 23, 1992. Original rule filed Sept. 16, 1991, effective Jan. 13, 1992. Amended: Filed Sept. 15, 1995, effective March 30, 1996. Amended: Filed Dec. 12, 1997, effective June 30, 1998. Amended: Filed Oct. 1, 1998, effective March 30, 1999. Amended: Filed Oct. 6, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 10—Nursing Home Program

PROPOSED AMENDMENT

13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services. The division is amending subsection (3)(N).

PURPOSE: This amendment changes the exemption of average private rate limitation, which was to expire with fiscal year end 2001 Medicaid cost reports, for an additional year to 2002 Medicaid cost reports.

(3) General Principles.

(N) The average Medicaid reimbursement rate paid shall not exceed the average private pay rate for the same period covered by the facility's Medicaid cost report. Any amount in excess will be subject to repayment and/or recoupment. The comparison of the average Medicaid reimbursement rate paid to the average private pay rate paid will not result in a repayment and/or recoupment until a facility has filed a cost report with a fiscal year ending after

January 1, [2001] 2002. For example, a nursing facility with a December 31, [2000] 2001, fiscal year-end cost report would not be used in the private pay rate comparison while a cost report ending on January 31, [2001] 2002, would be used in this comparison. This comparison will not be performed for any nursing facility licensed under Chapter 198, RSMo and operated by a district, city or county and receives local tax revenues.

AUTHORITY: sections 208.153, 208.159 and 208.201, RSMo 1994. Emergency rule filed Dec. 21, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency rule filed April 21, 1995, effective May 1, 1995, expired Aug. 28, 1995. Original rule filed Dec. 15, 1994, effective July 30, 1995. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 29, 2000. Amended: Filed Oct. 6, 2000.

PUBLIC COST: This proposed amendment will not cost public entities or political subdivisions more than \$500 in the aggregate because nursing facilities which had private pay rates set below the Medicaid rate would increase private pay rates in order not to lose the maximum allowable amount of Medicaid funding.

PRIVATE COST: This proposed amendment will not cost private entities, including small businesses, more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. If to be hand-delivered, comments must be brought to the Office of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS Division 30—Secretary of State Chapter 45—Records Management

PROPOSED RULE

15 CSR 30-45.040 Missouri Historical Records Advisory Board (MHRAB) Regrant Program Administration

PURPOSE: This rule outlines the management plan of the grants-in-aid program for historical records preservation.

(1) The Missouri Historical Records Advisory Board (MHRAB) Regrant Program, administered by the Missouri State Archives, Office of Secretary of State, with funds provided by the National Historical Publications and Records Commission (NHPRC) and the state of Missouri, grants financial assistance to historical records repositories to enhance the preservation and access of Missouri's documented heritage. This grants-in-aid program is a significant effort in the Missouri Historical Records Advisory Board's mission to promote and support the identification of, preservation of, and access to all historical records in Missouri.

(2) Those eligible to apply include institutions such as historic, ethnic and religious societies; museums; libraries; and colleges and universities whose archival collections or records of historic value are open to the public on equal terms for everyone.

(3) Activities supported by the MHRAB Regrant Program include—

- (A) Education;
- (B) Planning;
- (C) Preservation;

- (D) Professional consultants;
- (E) Essential equipment;
- (F) Reference tools.

(4) Local government entities are ineligible to apply, as the Missouri State Archives Local Records Grant Program (initiated in 1991) offers direct help for records preservation and management to all jurisdictions supported by tax levies.

(5) Ineligible activities include—

(A) Construction, renovation, furnishing, or purchasing a building or land;

(B) Purchasing manuscripts or other historical records;

(C) Conserving or exhibiting archaeological artifacts, museum objects, or works of art;

(D) Undertaking an oral history project unrelated to Native Americans;

(E) Acquiring, preserving, or describing books, periodicals, or other library materials;

(F) Acquiring, preserving, or describing art objects, sheet music, or other works primarily of value as works of art or entertainment;

(G) Undertaking a documentary editing project to publish the papers of someone who has been deceased for less than ten years;

(H) Undertaking a project centered on the papers of an appointed or elected public official who remains in major office, or is politically active, or the majority of whose papers have not yet been accessioned in a repository;

(I) Processing documents, a major portion of which will be closed to researchers for more than five years, or not be accessible to all users on equal terms, or will be in a repository that denies public access;

(J) Undertaking an arrangement, description, or preservation project in which the pertinent documents are privately owned or deposited in an institution subject to withdrawal upon demand for reasons other than requirements of law;

(K) Undertaking an arrangement, description, or preservation project involving federal government records that are—

1. In the custody of the National Archives and Records Administration (NARA); or

2. In the custody of some other federal agency; or

3. Have been deposited in a non-federal institution without an agreement authorized by NARA. Note: Many federally funded activities not directly undertaken by the federal government produce documents that may in law be considered federal records, including records produced under federal contracts or grants. If your project deals with federal records, you should talk further with the Archives Grant Administrator;

(L) Funding for—

1. Existing/permanent staff positions;

2. Equipment nonessential to the project;

3. Payments to lobbyists;

4. Hospitality expenses;

5. Prizes/awards;

6. Benefit activities such as socials, fundraisers, etc.;

7. Educational outreach not available to the public;

8. Activities having a religious purpose;

9. Expenses incurred prior to the grant period.

(6) Funding.

(A) The MHRAB Regrant Program supports 100% of the total costs for projects between \$500 and \$5,000.

(B) For projects over \$5,000 the MHRAB Regrant Program supports 70% of the project and the applicant must contribute a minimum of 30% in cost-sharing match with 10% of the total project cost in local cash match.

(C) An in-kind contribution may consist of staff time, supplies, utilities (if local space is required for the project), donated to the project.

(D) Permanent equipment is a separate line item requiring a 50/50 match of grant funds and local cash.

(E) Applicants that have a higher percentage of cash cost-sharing will be given preference when all other things are equal.

(F) The maximum grant that can be requested is \$25,000 per application.

(7) Grant Application Requirements.

(A) Identification of entity, entity's governance structure and project personnel.

(B) Activity description—

1. Statement of purpose and goals;

2. Project summary;

3. Detailed analysis of plan, discussion of techniques and timeline of activities;

4. Project objectives;

5. Specific end results or products.

(C) Funding description—

1. Budget layout;

2. Budget explanation;

3. Need for outside funding;

4. Local entity's accounting methods and audit procedures.

(D) Relevant information—

1. Statement of any previous relevant actions;

2. Evaluation of results (how will the success or failure be measured);

3. Description of importance of the project in terms of an overall, long-range program.

(E) Authorization—

1. Signed and dated by proper official;

2. Identification of preparer of the application.

(F) Support material—

1. Letter of commitment from the applicant's funding authority;

2. Resumes of project personnel, consultants, volunteers, and descriptions of their grant-funded duties;

3. Required forms;

4. Appropriate attachments, such as floor plans, sample forms, letters of support;

5. Identification of necessary services, equipment, supplies;

6. Other relevant information.

(8) Evaluation of Proposals.

(A) The Archives Grant Administrator will review grant applications for completeness; conformity to application requirements; soundness of budget; and relevancy to the objectives of the MHRAB Regrant Program.

(B) Each complete application will be summarized and forwarded to the MHRAB.

(C) The MHRAB will evaluate applications based on the following criteria—

1. Demonstrated need for outside funding;

2. Commitment to professional practices;

3. Historical value of records;

4. Ability to maintain achievements.

(D) The MHRAB will make funding decisions at meetings set for this purpose.

(E) The Archives Grant Administrator will notify the applicant on behalf of the MHRAB in writing if the proposal has been funded or rejected.

(9) Grant Calendar.

(A) The first grant period will begin in September 2001 and the second in March 2002; both will close December 31, 2002.

Award letters will be issued by the Archives Grant Administrator, Office of Secretary of State.

(B) The first payment in the grant award will not accompany the official award letter, but should be received by the end of the first month in each grant cycle. Subsequent payments are contingent upon receipt by the Archives Grant Administrator of complete and accurate Interim Reports submitted by the grantee.

(C) Grant work must be monitored while in progress. Archives staff may visit the work site for review at any time during the grant cycle.

(D) Any changes in the project, including changes of personnel, must be submitted in writing to the Archives Grant Administrator, Office of Secretary of State.

(E) The grantee must submit Final Reports within 30 days of the grant cycle's conclusion. Report forms will be provided to the grantee. Final Reports should relate to the original grant proposal and evaluate the progress made in accomplishing stated goals and objectives. Failure to comply may negatively impact the organization's ability to obtain future grants.

(F) Grant projects must be completed during the grant period. One extension may be requested in writing to the Archives Grant Administrator, Office of Secretary of State. The request must relate the extenuating circumstances hindering completion of the grant project. If an extension is granted, notification will be made in writing by the Archives Grant Administrator, Office of Secretary of State. A request for extension must be made by August 2002. If the extension is not approved, the award may be canceled.

(10) Accounting.

(A) Grantees must keep financial records for each grant in accordance with agreed upon accounting practices. These records, as public records, shall be subject to inspection by Secretary of State staff and members of the MHRAB during regular business hours throughout the grant period and for the following three years after the grant period ends. If any litigation, claim, or audit is begun before the end of the three years, the records must be retained until such proceeding is resolved.

(B) Grant money must be deposited in an auditable, interest-bearing account, and interest received must be applied to the project.

(C) While the grantee cannot invoice expenses incurred before the grant period begins, expenses incurred after the grant period begins but before the monies are available are allowable.

(D) Grantees must submit documentation for in-kind contributions with Interim and Final Reports. Grantees must submit bid information for services or purchases over \$3,000 with Interim and Final Reports.

(E) All unused grant funds and interest in possession of the grantee must be returned to the MHRAB Regrant Program.

(F) In the case of default by the grantee, the grant will be revoked and all unused funds must be returned to the MHRAB Regrant Program. The Archives Grant Administrator will notify the grantee of default in writing.

(11) Auditing Requirements. The grantee is responsible for ensuring that the MHRAB receives copies of the audit report for any audit performed during the grant period or for the following three years.

(12) Conflicts of Interest.

(A) An MHRAB member shall abstain from reviewing or voting on proposals if s/he is indirectly connected with a proposed project through employment at the same institution, indirectly supervises the project, serves as an unpaid consultant to the project, or is an officer of the institution or association that submits the proposal. Nor may the board member be physically present during board discussion of such a proposal.

(B) An MHRAB member may participate in discussion of, but not vote on, a grant proposal if s/he merely subscribes to membership in the organization submitting the proposal, but holds no office.

AUTHORITY: sections 109.221.3 and 109.221.5, RSMo Supp. 1999. Original rule filed Oct. 6, 2000.

PUBLIC COST: This proposed rule will cost the Missouri State Archives, a Division of the Office of Secretary of State, \$271,600 in the aggregate, and no more than \$100 for each application submitted by any state agency. Please see the attached fiscal note for detailed assumptions.

PRIVATE COST: This proposed rule will cost private entities no more than \$100 for each application submitted for funding. An aggregate amount cannot be determined. Please see the attached fiscal note for detailed assumptions.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Archives, Attention Dr. Kenneth H. Winn, State Archivist, 600 West Main Street, Jefferson City, MO 65101. To be considered comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. Rule Number

Title: 15
Division: 30
Chapter: 45
Type of Rulemaking: Proposed Rule
Rule Number and Name: 15 CSR 30-45.040, Missouri Historical Records
Advisory Board Regrant Program

II. Summary of Fiscal Impact

Affected Agency or Political Subdivision:
Missouri State Archives, a Division of the Office of Secretary of State

Estimated Cost of Compliance in the Aggregate:
\$271,600 for the life of the rule (01/01/01 through 06/30/03)

III. Worksheet

Salaries and Wages	115,902
Fringe Benefits	35,640
Consultant Fees	73,000
Travel	14,868
Supplies and Materials	450
Services	11,740
Regrant Funds	20,000

- A. The Missouri Legislature appropriated \$150,000 in support of this program during the 1999-2000 legislative session. The remaining \$121,600 is a redirection of previously appropriated operating funds. The Missouri State Archives has applied on behalf of the Missouri Historical Records Advisory Board to the National Historical Publications and Records Commission to match the above listed funds to preserve and make accessible Missouri's historic records, and to promote archival education and promote cooperation among records keepers.
- B. A state agency's cost to develop and submit an application to the program should not exceed \$100. The MHRAB does not expect to receive a significant number of such applications, as most often funds in excess of \$25,000 are requested to preserve and make accessible the large collections held by state agencies. At this level of assistance, the NHPRC federal program would be the appropriate funding agency.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. Rule Number

Title: 15
Division: 30
Chapter: 45

Type of Rulemaking: Proposed Rule

Rule Number and Name: 15 CSR 30-45.040, Missouri Historical Records
Advisory Board Regrant Program

II. Summary of Fiscal Impact

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule: cannot be determined.

Classification by types of the business entities which would likely be affected: private, local historical societies, ethnic and religious societies; museums; libraries; and colleges and universities whose archival collections or records of historic value are open to the public.

Estimate in the aggregate as to the cost of compliance with the rule by the affected entities: number of applicants at \$100 each.

III. Worksheet

The cost to develop and submit an application should not exceed \$100. The number of applications for regrant funds that will be received during the grant period cannot be determined.